

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAMUEL B. JOHNSON III,

No. C 07-05756 SI

Plaintiff,

**ORDER RE: PLAINTIFF'S REQUEST
TO MODIFY PRETRIAL ORDER and
DENYING DEFENDANTS' MOTION
FOR SANCTIONS**

v.

CHEVRON CORPORATION, *et al.*,

Defendants.

Plaintiff has filed motions a motion to modify the Court's pretrial scheduling order. The motion is scheduled for a hearing on October 31, 2008. In addition, by letter brief defendants have moved for monetary sanctions against plaintiff. [Docket No. 152] Pursuant to Civil Local Rule 7-1(b), the Court determines that these matters are appropriate for resolution without oral argument and VACATES the October 31, 2008 hearing. For the following reasons and for good cause shown, the Court GRANTS plaintiff's motion only to the extent that all deadlines are extended for two months and DENIES defendants' motion.

Plaintiff has moved to modify the Court's May 22, 2008 Pretrial Preparation Order [Docket No. 50], which set September 26, 2008 as the deadline for non-expert discovery and April 20, 2009 as the trial date. Plaintiff contends that postponement is necessary to resolve ongoing discovery disputes as well as for new discovery relating to defendants named in his first amended complaint [Docket No. 154]. Plaintiff proposes April, 2010 as a new trial date. Defendants agree to a two-month continuance of the Court's deadlines, such that the non-expert discovery deadline would be continued until November 26, 2008 and the trial would be continued until June, 2009.

The Court granted plaintiff leave to file a first amended complaint more than two month ago,

on August 14, 2008. [Docket No. 114] The Court finds that a two-month extension is sufficient to resolve ongoing discovery disputes and for additional discovery relating to the defendants added in plaintiff's first amended complaint. Accordingly, the Court modifies its May 22, 2008 Pretrial Preparation Order and extends each of the deadlines set forth in the Order by approximately two months. The new schedule is as follows:

Non-expert discovery cut-off	November 26, 2008
Designate expert witnesses	December 12, 2008
Expert discovery cut-off	January 23, 2009
Dispositive motions filed (maximum 1 per party)	March 13, 2009
Oppositions filed	March 27, 2009
Replies filed	April 3, 2009
Hearing	April 17, 2009 at 9:00 a.m.
Pretrial conference	June 9, 2009
Trial	June 22, 2009, 8:30 a.m.

Defendants' request for sanctions arises from a dispute over plaintiff's filing of his first amended complaint. Defendants contend that on September 18, 2008, plaintiff intentionally filed a complaint that violated the Court's August 14 Order granting plaintiff leave to file a first amended complaint. Plaintiff responds that the filing was mistaken and in the interim has corrected it. The Court finds that sanctions are not warranted at this time as some confusion may have arisen from the statement in the Order that plaintiff could expand on the factual allegations of the initial complaint. However, the Court notes that plaintiff's pleadings, letters and e-mails have been unnecessarily numerous, prolix and vituperative and cautions him that sanctions may be imposed in the future if such conduct continues.

IT IS SO ORDERED.

Dated: October 29, 2008


 SUSAN ILLSTON
 United States District Judge